IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Crl.Rev.Pet.No. 72 of 1999()

CRA.6/1996 of ADDL. SESSIONS COURT, THRISSUR
CC.61/1993 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR

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REVN. PETITIONER:

ASOKAN
S/O THERVEETTIL
PERINJANAM DESOM
PERINJANAM VILLAGE

BY ADV. SRI.V.B.UNNIRAJ

RESPONDENTS:

STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON Crl.M.P.NO.283/99 IN Crl.R.P.NO.72/99

DISMISSED

02-07-2007 **SD/-, K.R.UDAYABHANU, JUDGE.**

/True Copy/

PA to Judge.

K.R.UDAYABHANU, J

Crl.R.P.No.72 of 1999

Dated this the 2nd day of July, 2007

O R D E R

The revision petitioner is the accused in C.C.No.61/93 with respect to the offences under Sections 409 and 477A IPC and stands convicted to undergo simple imprisonment for four months vide Section 409 IPC and sentenced to undergo simple imprisonment for two months vide Section 477A IPC each.

2. The prosecution case is that the accused while working as postal assistant at Perinjanam post office misappropriated the amounts deposited by two account holders altogether amounting to Rs.14,767.95. The evidence adduced in the matter consisted the testimony of PWs' 1 to 10 and Exts. P1 to P23.

3. The counsel for the revision petitioner has only pleaded for leniency. He has pointed out that the revision petitioner/accused has already lost his employment and he is facing the proceedings for the last so many years.

4. On a consideration of evidence adduced in the matter

and the concurrent findings of the court below, I find that the conviction is supported by convincing evidence. The conviction is confirmed. Considering the long delay and the rest of the circumstances as pointed out the counsel for the revision petitioner, the sentence imposed under Section 409 IPC is modified to imprisonment till the rising of the court and to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for two months. No separate sentence is awarded for the offence under Section 477A IPC.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl